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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,859	06/02/2004	Mark E. Robinson	70655.3500	3858
20322	7590	09/21/2005	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/709,859	Applicant(s) ROBINSON ET AL.	
	Examiner EDWYN LABAZE	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/12/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 7/12/2005.
2. Claims 1-17 are presented for examination.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Flitcroft et al. (US 2003/0028481).

Re claims 1 and 9: Flitcroft et al. discloses credit card system and method, which includes a poller configured for substantially real-time queuing of a billing transaction file (page 7, paragraph 0082); a splitter configured to split said transaction file into at least one subset (page 6, paragraph 0070; page 8, paragraph 0094; page 15, paragraph 0182); a Card Authorization System {herein is disclosed a system 100 comprising a central processor 102, in operation with the credit card provider, which receives and processes credit card transactions} configured for authorizing said subset 126, said card authorization system configured with at least one socket (page 6, paragraphs 0069+); and a merger {herein Flitcroft et al. teaches RAD software 1504 to reconstruct the initial digits and decrypt a password and the like} configured to reconstruct said subset into said billing transaction file (page 12, paragraphs 0141-0146; page 20,

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paragraphs 0238-0240). Flitcroft et al. further teaches means of transferring at least one of said subsets through at least one socket (paragraphs 0203-0206, 0233+, 0239-0243).

Reclaim 2: Flitcroft et al. teaches a system and method, wherein the transaction file is split into at least one of one, five, and eight subsets 126 (as shown in fig. # 1; paragraphs 0070, 0094).

Re claims 3 and 13: Flitcroft et al. discloses a system and method, wherein the system is configured to operate in substantially real time (paragraph 0246).

Re claims 4 and 14: Flitcroft et al. teaches a system and method, wherein the system is configured to operate on a first come first served basis (paragraph 0241).

Re claims 5-6 and 15-16: Flitcroft et al. discloses a system and method, further comprising a logger configured to store factual reference information associated with a plurality of billing transaction file sizes, wherein said logger is configured to recognize at least one of small, medium and large transaction file sizes (paragraphs 0155+; 0168).

Re claims 7 and 17: Flitcroft et al. teaches a system and method, further comprises a formatter, wherein the formatter is configured to facilitate readability by the Card Authorization System of the transaction files (paragraphs 0085-0087; 0101, 0135-0136, 0215).

Re claims 8 and 10: Flitcroft et al. discloses a system and method, wherein the billing transaction includes a billing transaction (paragraphs 0180, 0186, 0207, 0222).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Breck et al. (US 2004/0158532) discloses system for facilitating a transaction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
September 8, 2005



**THIEN M. LE  
PRIMARY EXAMINER**